

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 1, 2 and 4-20 remain pending.

*Amendments to the Drawings*

Replacement sheets 1-6, containing Figures 1-9 of the drawings are submitted herewith to replace all prior sheets of drawings. These drawings differ from the prior drawings only in that references to the international application, of which the present application is a national stage filing under § 371, have been removed.

*Claim Clarifications*

Prior to discussing the rejections and the references, it is believed that a brief discussion on the current form of the claims of this application is warranted.

The claims of the present application have been amended to correspond to the claims of the international application, as they stood prior to entry into the U.S. National stage pursuant to § 371. According to the Regulations of the Patent Cooperation Treaty, the claims in existence at the end of the international stage are the claims that form the beginning of the national stage. In the present application, the Office failed to begin the national stage with the proper claim set and instead began the national stage with the originally filed claims of the international application. The present amendment is only being done in the interest of expediency to correct the above noted error on the part of the Office and makes the claims the same as they properly should have been before the Office at the start of the national stage. The undersigned thanks examiner



Courson for the telephonic interview on May 5, 2008, which clarified for the undersigned that the Office did not carry forward the claims, as they were amended in response to the Written Opinion and as they were annexed to the International Preliminary Examination Report.

*Allowable Subject Matter*

It is further noted that the subsequently issued International Preliminary Examination Report of April 27, 2006 indicated that all of the claims of the international application met the criteria of the PCT.

*Claim Rejections - 35 U.S.C. § 102(b)*

The following claim rejections are identical to those made in the international application and, accordingly, the responses which follow also correspond to the responses filed in the international application.

Claims 1-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,544,249, to Vasteras ("Vasteras"). Applicant respectfully traverses these rejections.

The current form of the claims expressly recite that the gage assembly includes a support member that defines a *support surface* and that the gage block subassembly includes a moveable contact opposing the support surface so as to define a gaging space between the two, and such that the contact is moveable in a direction toward the support surface. This gaging space is the area where measuring takes place and defined by the claim as the area between the moveable contact and the support surface. Additionally, the claim recites that the part handling member is moveable in such a way that the part handling



member causes the workpiece to be moved transversely through the gaging space. It is noted that as used in the claims, the term transverse is relative to the longitudinal axis of the workpiece itself.

In Vasteras no gaging space is defined between the support surface of the support member and the gage block subassembly. Element 32 is identified in the Written Opinion as being the moveable contact and element 66 as being the support and, hence having the support surface. As seen in Figure 1 of the reference, the moveable contact (element 32) is not generally opposed to the support surface as required by the claims and is not moveable in a direction toward the support surface.

Vasteras also does not define a gaging space, as that term is used in the present application, the space between the moveable contact and the support surface. As noted above, the gaging space is the area where the measuring of the workpiece is actually conducted. Specifically, the position of the moveable contact relative to the support surface defines the measurement being taken of the workpiece. In Vasteras, the support surface of the support member (66) is irrelevant to the measuring of the workpiece. All measuring in the reference occurs at the measuring device (25), which is located remotely from the support member.

Finally, the part handling aspects of the Vasteras reference do not operate so as to transversely move the workpiece through the gage block assembly and, therefore, transversely through the gaging space of the reference. This again is contrary to the language of claim 1.



From the above, it is submitted that Vasteras fails to disclose the invention as recited in claims 1, 2 and 4-20, the rejection based thereon should be accordingly withdrawn.

*Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

/Eric J. Sosenko/  
Eric J. Sosenko  
Reg. No.: 34,440  
Attorney for Applicant(s)  
(734) 302-6000

Attachments: Replacement Sheets 1-6, containing Figures 1-9.